APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,059	09/12/2003	Stephen Paul Lewontin	P3692US00	8337

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EXAMINER
GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
12/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

	Application No.	Applicant(s)
Office Action Summary	10/662,059	LEWONTIN, STEPHEN PAUL
	Examiner	Art Unit
	WILLIAM J. GOODCHILD	2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 December 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-13, 17 and 19-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-13, 17 and 19-38</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the rejection of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2009 has been

entered.

Claim Rejections - 35 USC § 103

2.   Claims 1-3, 5-9, 11-13, 17, 19-29, 33 and 35-38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Itani, (US Publication No. 2002/0065822),

and further in view of Nadler et al., (US Publication No. 2003/0070006), (hereinafter

Nadler).

Regarding claims 1, 13, 17, 21, 23 and 27, Itani discloses determining a markup-

language Web service message [Itani, paragraph 20] at a first network entity [Itani,

paragraph 23],

wherein the Web service message [Itani, paragraph 20] includes a variant portion that

changes for repeated invocations [Itani, paragraphs 26 and 99 and figures 3A, 3B and

3C] and an invariant portion that does not change [Itani, paragraphs 26 and 98];

forming a reduced message [Itani, paragraph 24, lines 7-13] at the first network entity

[Itani, paragraph 23] based on at least an unreduced representation of the variant

portion of the Web service message [Itani, paragraphs 24, 26 and 98, structured

document and data] and a reduced representation of the invariant portion of the Web

service message [Itani, paragraph 26].

Itani does not specifically disclose to invoke a remote procedure call at a second

network entity and for the second network entity via a network to process the remote

procedure call at the second network entity.

However, Nadler discloses the packet sent to a remote service on the Internet using a

remote procedure call and the second network entity processing the remote procedure

call and providing a response back to the first network entity [Nadler, paragraph 199,

lines 10-18].

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include using a remote procedure call to send a message in

order to provide for communication back and forth from two network entities.

Regarding claims 2, 22, 26, 29 and 37, Itani-Nadler further discloses the Web service

message comprises a simple object access protocol message [Nadler, paragraph 199].

Regarding claim 3, Itani-Nadler further discloses forming the reduced message

comprises forming reference data based on the invariant portion of the Web service

message and including the reference data [Itani, paragraph 116].

Regarding claims 5 and 38, Itani-Nadler further discloses the reference data comprises

a reference to a data store containing criteria for creating a reproduction of the invariant

portion [Itani, paragraphs 84-85].

Regarding claim 6, Itani-Nadler further discloses the reference to the data store

comprises a Universal Resource Identifier (URI) [Itani, paragraph 244 and figure 18].

Regarding claim 7, Itani-Nadler further discloses forming a reproduction of the Web

service message based on the reduced message [Itani, paragraph 122]; and

processing the reproduction of the Web service message at the second network entity

[Nadler, paragraph 199].

Regarding claim 8, Itani-Nadler further discloses forming the reduced message

comprises forming reference data based on an invariant portion of the Web service

message [Itani, paragraphs 105 and 116] and including the reference data in the

reduced message [Itani, paragraph 244].

Regarding claim 9, Itani-Nadler further discloses forming the reproduction of the Web

service message comprises forming the reproduction of the Web service message from

a reproduction of the invariant portion of the Web service message [Itani, paragraphs

122-123].

Regarding claims 11 and 28, Itani-Nadler further discloses the reference data comprises

a reference to a data store containing criteria for creating a reproduction of the invariant

portion [Itani, paragraph 244].

Regarding claim 12, Itani-Nadler further discloses the reference to the data store

comprises a Universal Resource Identifier (URI) [Itani, paragraph 244 and figure 18].

Regarding claim 19, Itani-Nadler further discloses wherein the second data processor is

further configured to form a reproduction of the Web service message [Itani, paragraphs

23-24 and 26], the messaging system further comprising a third data processor

configured to receive the reproduction of the Web service message and process the

remote procedure call based on the reproduction of the Web service message [Nadler,

paragraph 199].

Regarding claim 20, Itani-Nadler further discloses a data storage device having a

criteria accessible by the message processor [Itani, paragraphs 116 and 84-85], the

criteria used by the message processor to form the reduced message based at least on

the variant portion of the Web service message [Itani, paragraphs 26 and 98].

Regarding claim 24, Itani-Nadler further discloses wherein the response message

comprises a reduced response message based on at least a variant portion of a Web

service response message [Itani, paragraphs 26 and 99] generated by the remote data

processing arrangement [Nadler, paragraph 199], wherein the variant portion of the

Web service response message changes for the repeated invocations of the remote

procedure call [Nadler, paragraph 199].

Regarding claim 25, Itani-Nadler further discloses forming a reproduction of the Web

service response message based on the reduced response message [Itani, paragraph

122]; and

processing the reproduction of the Web service response message [Itani, paragraph

122].

Regarding claim 33, Itani-Nadler further discloses wherein the apparatus comprises a

server [Itani, paragraph 4].

Regarding claim 35, Itani-Nadler further discloses wherein the processor is further

configured via the instructions to cause the apparatus to form a reproduced Web

service message [Itani, paragraph 122] based on an incoming reduced message [Itani,

paragraph 24] from the network [Nadler, paragraph 199], wherein the incoming reduced

message is formed based on at least an unreduced representation of a variant portion

of an external markup language Web service message and a reduced representation of

an invariant portion of the external Web service message [Itani, paragraph 244],

wherein the variant portion of the external Web service message changes for the

repeated invocations [Itani, paragraphs 26 and 98-99] of the remote procedure call

[Nadler, paragraph 199], and wherein the invariant portion of the external Web service

message does not change [Itani, paragraphs 26 and 98] for the repeated invocations of

the remote procedure call [Nadler, paragraph 199].

Regarding claim 36, Itani-Nadler further discloses wherein the reduced representation

of the invariant portion of the Web service message comprises reference data based on

the invariant portion of the Web service message [Itani, paragraph 26 and 98].

3.   Claims 4, 10, 30-32 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Itani-Nadler as applied to claims 1 above, and further in view of Maes

et al., (US Publication No. 2003/0088421), (hereinafter Maes).

Regarding claim 4, Itani-Nadler further discloses the invariant portion [Itani, paragraphs

26 and 98].

Itani-Nadler does not specifically disclose the reference data comprises a binary

representation of the invariant portion.

However, Maes discloses binary data [Maes, paragraph 177, data can be sent encoded

in binary format].

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include using binary data in order to provide efficient data

transfer.

Regarding claim 10, Itani-Nadler-Maes further discloses the reference data comprises a

binary representation [Maes, paragraph 177, data can be sent encoded in binary format]

of the invariant portion [Itani, paragraphs 26 and 98].

Regarding claim 30, claim 30 is substantially the same as claim 1 and is therefore

rejected for the same reasons, with the additional limitation of a mobile terminal.

Maes further discloses a mobile terminal [Maes, paragraph 234].

Regarding claim 31, Itani-Nadler-Maes further discloses wherein the Web service

messages include simple object access protocol messages [Nadler, paragraph 199].

Regarding claim 32, Itani-Nadler-Maes further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraphs, 3 and 234].

Regarding claim 34, Itani-Nadler-Maes further discloses wherein the apparatus comprises a mobile terminal [Maes, paragraph 3, line 3, wired or wireless environments].

Response to Arguments

4.   Applicant's arguments with respect to claims 1-13, 17 and 19-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested

that applicant clearly indicate the portion(s) of applicant's specification that support the

amended claim language for ascertaining the metes and bounds of applicant's claimed

invention

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is

(571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM -

4:00 PM EST.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
12/08/2009

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400